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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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ROBERT J. WALSH,

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Plaintiff

Case No. 2:20-cv-01714-GMN-NJK

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v.

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BRIAN WILLIAMS, *et al.*,

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Defendants

ORDER

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I. DISCUSSION

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On September 16, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis* with complete financial attachments.

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Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

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- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

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The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **November 16, 2020**. Absent unusual

1 circumstances, the Court will not grant any further extensions of time.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with
3 all three required documents or pay the full \$400 filing fee on or before **November 16, 2020**, the
4 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when
5 Plaintiff is either able to acquire all three of the documents needed to file a fully complete
6 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
8 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
9 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
10 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
11 **November 16, 2020** to proceed with this case.

12 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
13 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
14 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

15 II. CONCLUSION

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff
17 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document
18 entitled information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that, on or before **November 16, 2020**, Plaintiff will either
20 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
23 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
24 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
26 (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
28 **six-month period**.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action on or before **November 16, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket No.1-1, but the Court will not file it at this time. IT IS SO ORDERED.

DATED: September 17, 2020.

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE